

Application No.: 09/461,625
Amendment After Final dated October 24, 2006
Final Office Action dated July 24, 2006

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REMARKS/ARGUMENTS

Claims 2-21, 23-31, and 33-44 are pending in the application. Claims 2-4, 33-35, 42 and 44 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,064,554 to Kim. Claims 23-25 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of U.S. Patent No. 6,289,466 to Bayramoglu et al., hereinafter ("Bayramoglu"). Claims 5-21 and 36-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of U.S. Patent No. 5,832,492 to Wooten. Claims 26-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of Bayramoglu, further in view of Wooten. Claims 42 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3-5 of U.S. Patent No. 6,792,495 to Garney et al., hereinafter ("Garney"). Additionally, claim 42 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,813,251 to Garney. Also, independent claims 43 and 44 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3-5 of U.S. Patent No. 6,792,495 to Garney and unpatentable over claim 1 of U.S. Patent No. 6,813,251 to Garney for the same reasons discussed above with respect to claim 42, wherein any variations between claim language of the instant application and that of the above-mentioned patents are obvious variations which are not patentably distinct. Finally, dependent claims 2-10, 23-31 and 33-41 (each of which depend upon one of the independent claims 42-44) are rejected for their dependence upon one of the rejected claims 42-44 and for the same reasons discussed above.

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With regard to the nonstatutory obviousness-type double patenting rejections, Applicant will file a Terminal Disclaimer (if appropriate) once allowable subject matter has been recognized by the Office.

With regard to the §102(e) rejection based on Kim, Applicants respectfully submit that nowhere does the Kim reference teach, suggest or disclose at least “[a] method for communicating data between a host and an agent, the method comprising: ...*repeating, by the host controller, the first transaction at a second time between the host controller and the hub*” (e.g., as described in claim 42).

The Office Action asserts Kim teaches repeating, by the host controller 11, the first transaction at a second time (citing column 6, lines 32-39) between the host controller and the hub 20. *See* Office Action dated 2/2/2006, paragraph 2. Applicants disagree.

Column 6, lines 32-39 of Kim state:

As described above, according to the present invention, only one input terminal and one output terminal of the USB hub controller are used regardless of the number of the power output ports of a USB hub unit to prevent overcurrent from flowing to the subsequent USB hub units and/or peripheral devices. Therefore, the circuit design is simplified regardless of the number of the power output ports.

The cited section of Kim is directed toward the prevention of overcurrent, i.e., current in excess of the rated current or ampacity of a conductor. It is specifically directed toward preventing overcurrent in the USB hub units and other peripheral devices. The cited section describes simplifying the design of the circuit regardless of the number of power output ports to prevent this. It does not describe repeating, by a host controller, a first

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transaction at a second time between the host controller and a hub, or any equivalent thereof.

The Office Action's associated remarks are inapplicable and unsupported by the reference. It states that the reference describes using only one input and output terminal at a single time, thus requiring other terminals to the other devices to be used at a second/different time. Applicants disagree. As discussed above, the cited section is directed to overcurrent protection in a circuit, achieved by using one input terminal and one output terminal only *of the USB hub controller*. Clearly, this doesn't categorically necessitate using different terminals upon a second transaction. It merely requires using one input terminal and one output terminal *at a time*. Therefore, the Office Action's extraneous assertions are unsupported by the reference.

However, even if the Office Action's extraneous assertions were to be assumed to be true (they are not), the cited section still does not remotely describe the relevant limitations. Requiring other terminals on the other devices to be used at a second/different time (as asserted by the Office Action) is not the equivalent of repeating, by a host controller, a first transaction at a second time between the same host controller and the *same* hub that participated in the first transaction the first time, as described in embodiments of the present application, at all. In order to support a proper §102(e) rejection, the cited reference must teach, suggest, or describe at least these limitations. It does not.

The Office Action further alleges Kim teaches performing a first transaction (citing column 3, lines 23-42), a plurality of devices having communications (citing Figure 1), communicating between the host controller and other of the plurality of

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devices 40 (citing column 2, line 64 – column 3, line 22), and teaches only one input and output terminal is used at a single time (citing column 6, line 32-39). *See* Office Action dated 7/24/2006, paragraph 3. Applicants disagree and submit the Kim reference does not describe the alleged limitations. However, for the purposes of this argument Applicants will assume only arguendo the allegations are true.

To this end, the Office Action further argues in order to communicate between the host controller and each of the other plurality of device 40, such communication would involve the same transaction at a different time. *See* Office Action dated 7/24/2006, paragraph 3. Applicants respectfully submit this assertion is erroneous, unsupported by the Kim reference (the Office Action offers no citation at all), and insufficient to support a proper rejection for the following reasons.

As stated above, even if the Office Action were assumed to be true (they are not), the asserted abilities do not mean a certain transaction is repeated at a different time. Specifically, even if one were to assume Kim teaches an embodiment performing one transaction, communicating between a host controller and a plurality of devices, and that one input and output terminal at a time, these assertions have no relation to whether Kim teaches *repeating, by the host controller, the first transaction at a second time between the host controller and the hub*" (e.g., as described in claim 42). In addition, the Office Action does not cite to any section in the Kim reference where such an inapposite conclusion can be drawn. Applicants submit the Kim reference does not teach, suggest or describe the relevant limitations anywhere. In order to support a proper rejection, the Office Action must show where the Kim reference specifically teaches the relevant limitations. Since it does not, the rejection should be withdrawn.

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With regard to the Office Action assertion that Applicants argue the transaction, occurring at a different time is not between the same host controller and the same hub, Applicants respectfully submit the Examiner misunderstands the Applicants' argument. Applicants therefore clarify and maintain that requiring other terminals on the other devices to be used at a second/different time (as asserted by the Office Action) is not the equivalent of *repeating, by a host controller, a first transaction at a second time between the same host controller and the same hub that participated in the first transaction the first time*, as described in embodiments of the present application, at all. Therefore, the Office Action's assertions regarding Figure 1 are moot, and the Kim fails to teach repeating a first transaction for at least the reasons described above.

Wooten fails to make up for the deficiencies of Kim. Wooten is directed towards managing scheduled transfers, specifically a method of linking lists of scheduled transfers. In Wooten, the host controller is primarily directed to set up lists of transactions for the host controller to operate on during serial bus frame intervals. There is, however, no description of repeating, by a host controller, a first transaction at a second time between the *same* host controller and the *same* hub that participated in the first transaction the first time, as described in embodiments of the present application.

Bayramoglu fails to make up for the deficiencies of Kim as well. Bayramoglu is directed towards a method of implementing bezel buttons to control a peripheral in a computer system. It does not describe repeating, by a host controller, a first transaction at a second time between the *same* host controller and the *same* hub that participated in the first transaction the first time, as described in embodiments of the present application.

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Applicants respectfully submit that each and every element is not taught, suggested or disclosed by the cited references, and therefore the §102(e) rejection of claim 42 is lacking and should be withdrawn. Independent claims 11, 16, 43 and 44 include substantively similar limitations and therefore should be allowed for the same reasons. Claims 2-10, 12-15, 17-21, 23-31 and 33-41 depend from allowable independent claims, and therefore should be allowed as well.

For all the above reasons, the Applicants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

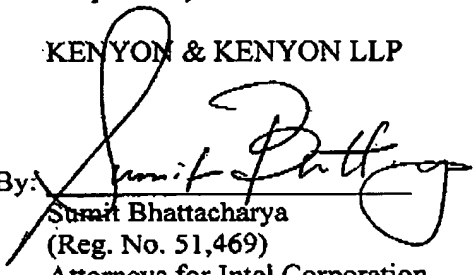
The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

Dated: October 24, 2006

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